

1 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
2 RICHARD W. ABBEY, ESQ. (SBN: 053039)
3 RACHEL K. NUNES, ESQ. (SBN: 172525)
100 Stony Point Road, Ste. 200
4 Post Office Box 1566
5 Santa Rosa, California 95402-1566
Telephone No.: (707) 542-5050
Facsimile No.: (707) 542-2589
rnunes@abbeylaw.com

6 Attorneys for Creditor
Sterling Savings Bank, successor in interest by merger to
7 Sonoma National Bank

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 In Re:

12 BENYAM MULUGETA and PAULA R.
13 MULUGETA.,

14 Debtors.

Case No. 09-51900
Chapter 11
R.S. No. RKN/001

Date: April 22, 2009

Time: 10:00 a.m.

Location: 280 South First St., San Jose, CA

Courtroom: 3020

15
16
17 **STERLING SAVINGS BANK'S NOTICE OF HEARING ON MOTION FOR RELIEF**
18 **FROM STAY**

19 TO THE ABOVE NAMED DEBTOR AND ITS ATTORNEY OF RECORD:

20 PLEASE TAKE NOTICE that on **April 22, 2009**, at **10:00 a.m.**, at **280 First Street, Courtroom**
21 **3020, San Jose, California**, STERLING SAVINGS BANK, successor in interest by merger to
22 SONOMA NATIONAL BANK, will move, and hereby does move the above-entitled Court for an
23 Order modifying the Automatic Stay of 11 U.S.C. § 362 to allow it to assert its rights under a First
24 Deed of Trust and Assignment of Rents against the Debtor's real property located at **353 Grand**
25 **Avenue, Oakland, CA 94601; A.P.N. 010-0767-001**, and pursue foreclosure proceedings.

26 Said Motion will be based upon 11 U.S.C. § 362(d)(2), in that the debtors have no equity in
27 the above described real property and cannot establish that the real property is necessary to effective
28 reorganization.

1 The Motion will be further based upon this Notice of Hearing, and the accompanying
2 Motion and Memorandum of Points and Authorities and Declaration of Christy Somers filed in
3 support thereof, as well as the files and pleadings in this case.

4 YOU ARE HEREBY NOTIFIED that if you do not appear personally or through counsel at
5 the above-described time and place, the relief prayed for in the Motion accompanying this Notice
6 will be granted by the Court and STERLING will be allowed to pursue all rights under its First
7 Deed of Trust, including foreclosure.

8
9 Dated: April 3, 2009

Respectfully submitted,

10 ABBEY, WEITZENBERG,
11 WARREN & EMERY

12 By: /s/ Rachel K. Nunes
13 Rachel K. Nunes
14 Attorneys for Sterling Savings Bank